

REMARKS

Claims 1-4, 9-10, 17-20, and 22-28 are pending in the application. Claim 1 is the only independent claim. Claims 17-20 and 22-26 have been withdrawn from consideration as directed to a non-elected species.

In the Office Action, claims 1-3, 9-10, 27-28 are rejected under 35 U.S.C. 103(a) as obvious over WO 00/44841 to Nagahama et al. ("Nagahama") in view of WO 01/25363 to Sumi ("Sumi") (as evidenced by the corresponding U.S. Patent No. 6,582,789 to Sumi).

Reconsideration and withdrawal of the rejection is respectfully requested. Sumi is not available as prior art in the present application.

Specifically, the PCT publication WO 01/25363 to Sumi has an effective date under section 102(a) on its publication date on April 12, 2001, which is less than one year before the U.S. filing date of the present application on December 6, 2001.

Also, the U.S. Patent No. 6,582,789 to Sumi was not published until its issue date on June 24, 2003, which is after the U.S. filing date of the present application on December 6, 2001, so that its earliest effective date is at the 371(c)(1), (2), (4) date of June 1, 2001 under section 102(e) (the pre-AIPA section 102(e) applies because the PCT application to Sumi was filed on September 28, 2000, i.e., before the AIPA changes to section 102(e) on November 29, 2000).

In contrast, the present inventors have already established an invention date no later than the filing date of the prior Japanese applications JP 11-162071 and JP 11-162072 on June 9, 1999. Certified copies and verified English translations of these Japanese applications were submitted with the amendment of January 5, 2004, along with a Declaration by the inventors confirming the inventorship.

The present claims are fully described in JP'071 and JP'072, in particular in the paragraphs listed in the Remarks of the Amendment of January 5, 2004, and additionally in para. 0037 of JP'071 (roughness and transparency features added by subsequent amendment). Thus, JP'071 and JP'072 establish that the presently claimed invention had been conceived and reduced to practice on June 9, 1999, which is earlier than the effective dates of WO 01/25363 to Sumi and US 6,582,789 to Sumi.

In view of the above, it is submitted that the rejection should be withdrawn.

Further, examination of all claims in this application is respectfully requested.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Serial Number: 10/015,991

Group Art Unit: 2872

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

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